

Inaction and delays in proceedings as disciplinary offenses of judge in the Czech Republic

Abstract

The present rigorous thesis deals with the topic of disciplinary liability of judges in the Czech Republic, specifically the disciplinary offence of inaction and delays in proceedings, as the most frequently criticized ailment of the Czech judiciary, whether it is the lay or professional public.

On the one hand, the thesis defines the theoretical framework and the legal regulation on which the issue of disciplinary offences of inaction and delays in proceedings is based (in particular Act No. 6/2002 Coll., on Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts, as amended, and Act No. 7/2002 Coll, on proceedings in respect of judges, public prosecutors and bailiffs, as amended), but at the same time the rich case law of both the European Court of Human Rights relating to disciplinary proceedings in the Czech Republic and the Constitutional Court is presented, and last but not least the case law of the disciplinary chambers of the Supreme Administrative Court. The thesis presents an analysis of the decisions of the disciplinary chambers of the Supreme Administrative Court in the years 2008 - 2023, whereby the analysis examines the methods of decision-making with regard to disciplinary offences consisting in delays in proceedings and failure to comply with the time limit, and then examines in detail the composition of disciplinary measures imposed in the above-defined time period.

In the part of the thesis dealing with delays in proceedings in the context of the principle of the reasonableness of the length of proceedings, I define why the reasonableness of the length of proceedings and the efforts to maintain it are essential for the judicial system, since these principles are the basis for the very existence of disciplinary proceedings. In the thesis I also present a selection of decisions which, in their specificity, caught my attention in the course of studying the decisions of the disciplinary chambers of the Supreme Administrative Court. Last but not least, I also deal with *de lege ferenda* considerations, where I highlight, in my opinion, problematic passages of the current legislation with an outline of possible future solutions.